

matter to pass in the urine; that it would enable one to eat any food desired; that it would improve digestion; that it was an appropriate treatment in general for mineral deficiency diseases and for weak back, paleness, circles under the eyes, bladder trouble, arthritis, neuritis, sciatica, leg pains, and stiff or swollen joints; that it was a drugless road to health; that it would be efficacious in the prevention of weak, run-down organisms which prepare the ground for tuberculosis, cancer, nephritis, heart disease, appendicitis, piles, asthma, goiter, and rheumatism; that it would produce the benefits ordinarily ascribed to and associated with consumption of the waters of mineral springs; that it possessed rejuvenating properties; that it would give one a healthy color; and that it would be efficacious in the prevention of goiter.

On May 8, 1944, the defendants entered pleas of guilty, and on September 7, 1944, the defendant Aristotle was fined \$750 and committed for 1 year, and the defendant Manteris was fined \$250 and committed for 6 months. The prison sentences were suspended, and Aristotle was placed on probation for 2 years and Manteris for 1 year.

1246. Adulteration and misbranding of Sea-Soi, and misbranding of various other drugs. U. S. v. 91 Bottles of West's Imported Sea Vegetable Tablets, etc. Consent decree of condemnation. Products ordered released under bond for relabeling. (F. D. C. Nos. 9608, 9900. Sample Nos. 13926-F to 13935-F, incl., 14804-F, 14811-F to 14816-F, incl., 14820-F to 14827-F, incl.)

On March 29 and May 12, 1943, the United States attorney for the Southern District of California filed libels against the following products, located at Los Angeles, Calif., and packed in bottles of various sizes: 130 bottles of West's Imported Sea Vegetable Tablets; 223 bottles of Sea Vegecene (Powder); 226 bottles of Ocean Lax Tablets; 140 bottles of Sodeom Tablets; 63 bottles of Sea-V-Aid Tablets; 118 bottles of Sea-Vo-Kra tablets; 116 bottles of Imported Sea Vegetables Vitaminized with added Vitamin 'A,' in tablet form; 99 bottles of FYA Tablets; 201 bottles of D-X Tablets; 16 bottles of Sea-Soi; and 78 bottles of Kalseom Tablets. It was alleged in the libels that the articles had been shipped between the approximate dates of February 17, 1942, and January 23, 1943, by Mineralized Foods, Inc., Baltimore, Md.

Examination of West's Imported Sea Vegetable Tablets disclosed that they contained seaweed; and that they yielded approximately 29.5 percent inorganic constituents, including, per tablet, 1.2 milligrams of iodine, 43 milligrams of calcium, 6 milligrams of magnesium, 17 milligrams of phosphorus, and 0.3 milligram of iron. The article was alleged to be misbranded because of false and misleading statements on the bottle label and in a circular entitled, "West's Imported Sea Vegetables," which represented, suggested, and implied that there exists in the ordinary foods consumed a substantial deficiency in the mineral elements supplied by the article, which deficiency would result in the various disease conditions named and suggested in the labeling, i. e., arteriosclerosis, apoplexy, high blood pressure, premature aging, intestinal catarrh or inflammation, constipation, some forms of eye trouble, skin eruptions, sensitive nerves, irritability, bad temper, a listless, tired feeling, kidney diseases, rheumatism, arthritis, neuritis, tardy glandular functioning, slow child growth, goiter, thyroid disturbances, dry skin and falling hair, anemia, faulty metabolism, poor teeth, delayed coagulation of blood, rickets, weak bones, stiff joints, hardening of the arteries, acidosis, faulty elimination, and diuresis; that use of the article would prevent or correct those disease conditions; and that the article was of nutritional and therapeutic value because of the presence of sodium, potassium, and magnesium.

Examination of the Sea Vegecene (Powder) disclosed that it consisted essentially of a mixture of dried and powdered seaweed, containing, in each level teaspoonful (2.35 grams), approximately 3 milligrams of iodine, 1.5 milligrams of iron, and 4.0 milligrams of phosphorus. It was alleged to be misbranded because of false and misleading statements on its label which represented and suggested that the article was of nutritional significance because of the presence of iron, sodium, and phosphorus, as well as other unnamed minerals.

Examination of the Ocean-Lax disclosed that it consisted essentially of dried plant material including rhubarb and seaweed; and that it yielded, per tablet, approximately 0.3 milligram of iodine. It was alleged to be misbranded because of false and misleading statements on the jar label and in a circular entitled, "Are You Occasionally Constipated?", which represented, suggested, and implied that the article was appropriate for food purposes; that its laxative ingredients were derived from the ocean; that the alkalinity and amount of minerals supplied by the article were consequential; and that the use of the article as directed would be effective in the prevention of simple goiter, arteriosclerosis, apoplexy, and high

blood pressure; that it would cleanse the alimentary canal of poisonous wastes; that it would alkalize the digestive tract, supply iodine to the system, stimulate intestinal activity, retard premature aging, and increase the intake of essential food minerals. It was alleged to be misbranded further (1) in that the label failed to reveal the material fact that the sea plants and peppermint leaves in the article did not contribute to its laxative effects; and (2) in that the label did not show that the only active ingredients in the preparation were senna pods, purging cassia, and rhubarb root.

Examination of the Sodeom disclosed that it contained dried and powdered seaweed, calcium phosphate with small amounts of calcium carbonate, and starch; and that it yielded approximately 39.6 percent inorganic constituents, including, per tablet, 0.7 milligram of iodine. The article was alleged to be misbranded because of false and misleading statements on the jar label and in a circular entitled, "Introducing 'Sodeom' from the Ocean," which represented, suggested, and implied that the article was of nutritional significance because of the presence of sodium; and that it was of value in treating and preventing arthritis, neuritis, rheumatism, acidosis, and other nutritional deficiency conditions, throbbing, aching pain in the hands, shoulders, legs, and back, nervous, sleepless nights, kidney stones, rheumatic fever, and premature aging.

Examination of the Sea-V-Aid disclosed that it contained vegetable tissue, including seaweed, and yeast; and that it yielded approximately 26 percent inorganic constituents, including 0.6 milligram of iodine per tablet. It was alleged to be misbranded because of false and misleading statements on the bottle label and in a circular entitled, "Are You A Victim of Nerves?" which represented, suggested, and implied that the article was of nutritional value because of the presence of minerals; that it would prevent or correct jumpy, snappy nerves, nervous condition due to dietary deficiency, premature aging, arteriosclerosis, apoplexy, high blood pressure, and pellagra; and that the principal ingredients of the article were derived from the sea.

Examination of the Sea-Vo-Kra disclosed that it contained dried, powdered okra and dried seaweed; and that it yielded approximately 27.1 percent inorganic constituents, including 0.7 milligram of iodine per tablet. It was alleged to be misbranded in that the statements on the jar label and in a circular entitled, "Even Though You Have Ulcers of the Stomach or Intestines," which represented, suggested, and implied that the article was of value in the prevention or treatment of ulcers, and that it was of nutritional value as a source of food minerals and vitamins A, B, C, and D, were false and misleading since the article was not of value in the prevention or treatment of ulcers, was not of value as a source of food minerals, with the exception of the extent to which it may have provided a supplementary source of iodine, and was not a consequential source of vitamins A, B, C, and D.

Examination of the Imported Sea Vegetables Vitaminized with added Vitamin 'A' disclosed that the article contained dried seaweed; and that it yielded 43 percent inorganic constituents, including 0.6 milligram of iodine per tablet. It was alleged to be misbranded because of false and misleading statements on the jar label and in a circular entitled, "Watch Out! Beware of Night Blindness!," which represented, suggested, and implied that there exists in the ordinary foods consumed a substantial deficiency in the mineral and vitamin elements supplied by the article, which deficiency would result in the various disease conditions named and suggested, i. e., sinus conditions, colds, mucus and catarrhal infections, night blindness, poor vision, arthritis, premature aging, arteriosclerosis, apoplexy and high blood pressure; and that use of the article would prevent or correct those disease conditions.

Examination of the F Y A Tablets disclosed that they contained dried seaweed, small quantities of calcium carbonate, starch, powdered cinnamon, sucrose, and coloring; and that they yielded approximately 43.7 percent inorganic constituents, including 0.6 milligram of iodine per tablet. The article was alleged to be misbranded because of false and misleading statements on the jar label and in a circular entitled, "Invitation to the Waltz * F Y A For Men and Women past 40," which represented, suggested, and implied that there exists in the ordinary foods consumed a substantial deficiency in the mineral elements supplied by the article, which deficiency would result in premature aging, weakness of the glandular system, arteriosclerosis, apoplexy, high blood pressure, and physical slow-down; and that use of the article would prevent or correct those disease conditions.

Examination of the D-X Tablets disclosed that they contained seaweed and other plant material; and that they yielded approximately 23.7 percent inorganic

constituents. The article was alleged to be misbranded in that the statements on the bottle label and in a circular entitled "Diabetes?," which represented, suggested, and implied that inadequacies in the mineral content of foods ordinarily consumed are responsible for the development of diabetes, and that use of the article would prevent or cure this disease, were false and misleading since diabetes is not a deficiency disease resulting from inadequacies in mineral intake, and consumption of the article would not effect the results stated or implied in the labeling.

Examination of the Sea-Soi disclosed that it contained soy beans, dried seaweed, and sugar, and that it yielded approximately 3.6 percent of inorganic constituents containing, per 2 ounces, 170 milligrams of phosphorus, 3.5 milligrams of iron, and 5 milligrams of iodine. It was alleged to be adulterated in that its strength differed from that which it was represented to possess, "18 milligrams food iron—more than the full minimum daily adult requirement," per 2 ounces. The article was alleged to be misbranded because of false and misleading statements on the bottle label and in a circular entitled, "Nervous . . . Anemic? Sea-Soi?," which represented, suggested, and implied that use of the article in accordance with the directions for use would prevent or correct shortness of breath, rapid heart palpitation, flabby flesh, pale skin, a tired feeling, excessive weight, irritability and supersensitivity, disturbance in the stomach, gastric secretions, lack of aggressiveness and ambition, chlorosis in adolescent girls, lassitude, capricious appetite, indigestion and constipation, a general run-down condition, underweight, iron deficiency, sinus conditions, colds, mucus and catarrhal conditions, rheumatoid arthritis, beriberi, loss of appetite, general debility, premature graying, scurvy, anemia, pyorrhea, rheumatoid fever, rickets, bone deficiencies, calcium deficiency, metabolism, arteriosclerosis, apoplexy, and high blood pressure; and that the principal ingredients of the article were derived from the sea and soy beans.

The article known as Kalseom Tablets was labeled in part: "Kalseom * * * Consists of Imported variety of Sea Vegetables * * * carefully blended with Bone Calcium Phosphate fortified with Vitamin 'C' (Ascorbic Acid) and Vitamin D (Ergosterol)." The article was alleged to be misbranded because of false and misleading statements on the bottle label and in a circular entitled "Can This Be True?," which represented, suggested, and implied that there exists in the ordinary foods consumed a substantial deficiency in the mineral elements supplied by the article, which deficiency would result in tuberculosis, asthma, hay fever, allergy, headaches, skin eruptions, gastric, muscular, and nervous disturbances, weak pulse, poor digestion, poor teeth, and brittle fingernails; and that use of the article would prevent or correct those conditions.

Misbranding of all of the articles and adulteration of the Ocean-Lax and Sea-Soi were also alleged under the provisions of the law applicable to foods, as reported in the notices of judgment on foods.

On August 10, 1943, Mineralized Foods, Inc., claimant, was granted its motion for the removal of the libel proceedings to a district of reasonable proximity to the city of Baltimore, Md. On October 7, 1943, the cases having been transferred to the District of Columbia, an order having been entered for their consolidation, and the claimant having consented to the entry of a decree, judgment of condemnation was entered and the products were ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

1247. Misbranding of Nuxated Iron. U. S. v. 21½ Dozen Packages of Nuxated Iron. Default decree of condemnation and destruction. (F. D. C. No. 11978. Sample No. 76274-F.)

On March 11, 1944, the United States attorney for the Northern District of New York filed a libel against 21½ dozen packages of Nuxated Iron at Binghamton, N. Y., alleging that the article had been shipped on or about January 17, 1944, from Stamford, Conn., by Dae Health Laboratories, Inc.; and charging that it was misbranded.

Examination disclosed that the article consisted essentially of ferrous sulfate (64 milligrams per tablet), strychnine, compounds of calcium, magnesium and sodium, including carbonates and glycerophosphates, together with aromatic principles.

The article was alleged to be misbranded because of false and misleading statements in its labeling which represented and suggested that it would be an adequate treatment for run-down conditions and iron deficiency.

On June 21, 1944, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.